

MARYLAND REAL ESTATE
COMMISSION

v.

SUSAN MEMMERT,

Respondent

* BEFORE THE MARYLAND
* REAL ESTATE COMMISSION

*
* COMPLAINT NO.: 2008-RE-541

*
* OAH NO.: DLR-REC-21-10-
* 14489

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CONSENT ORDER

This matter comes before the Maryland Real Estate Commission (the "Commission") based on a complaint filed by Sandra Bowman (the "Complainant") against Susan Memmert, the Respondent Real Estate Salesperson (the "Respondent"). Upon a review and investigation, the Commission issued a Statement of Charges and Order for Hearing on or about April 20, 2010. This matter was previously scheduled for a hearing at the Office of Administrative Hearings, but the case was withdrawn as a result of the parties' consent to the entry of this Consent Order as a full and final resolution of this action. IT IS STIPULATED BY THE PARTIES THAT:

1) At all relevant times, the Respondent was licensed by the Commission as a real estate salesperson (Registration No. 70724).

2) The charges against the Respondent arise from her conduct with regard to a residential contract of sale, dated on or about October 2, 2007, between Sandra Bowman,

seller, and Roger and Lauri Hill, buyers, for the property at 4140 London Bridge Road, Sykesville, Maryland. The Respondent represented the buyers and prepared the contract documents in the transaction.

3) The Complainant signed the contract of sale in which there was no indication that gift funds were involved in the transaction or necessary for the buyers to obtain financing.

4) On or about November 13, 2007, the Respondent advised the Complainant's agent that the buyers had a credit issue that needed to be resolved and presented an "Extension of Settlement Date" addendum for signature by the Complainant.

5) It was determined later that the "credit issue" related to gift funds which were to be provided by a relative of the buyers. The buyers were unable to continue with the purchase because the relative decided not to provide the gift funds.

6) The Respondent had knowledge that the gift funds were necessary in order for the buyers to obtain financing but failed to disclose this information to the Complainant or her agent during the course of the transaction.

7) The Respondent admits to a violation of COMAR 09.11.02.01(C) as alleged by the Commission in its Statement of Charges and Order for Hearing.

8) Based on her violation, the Respondent agrees to the placement of a Reprimand against her Maryland real estate license. In addition, the Respondent agrees to pay a total civil penalty in the amount of \$750.00 to the Commission within 30 days from the date of this Consent Order. Further, the Respondent agrees to attend a 3 hour course of instruction on Ethics; said course of instruction shall not count toward the normal continuing

professional education requirements and shall be completed on or before April 1, 2011. The Respondent shall submit to the Maryland Real Estate Commission written evidence of the completion of such course of instruction on or before said date.

9) The Respondent hereby consents and agrees that, in the event that she fails to remit the required civil penalty amount or complete the required course of instruction within the time frames indicated above, such failure will constitute grounds for the immediate and automatic suspension of her license until such time as full compliance with the terms and conditions of this Consent Order is made. Further, in the event that the Respondent fails to comply with the terms of this Consent Order in any manner, the Commission reserves the right to commence further disciplinary proceedings and impose further sanctions.

10) The Respondent agrees to abide by the Maryland Real Estate Brokers Act, Md. Ann. Code, Bus. Occ. and Prof. Article, §17-101 et seq., and regulations of the Commission in future transactions.

11) The Commission agrees to dismiss the remaining regulatory charge in this matter pursuant to Md. Ann. Code, Bus. Occ. and Prof. Art., § 17-532(c)(1)(iv), with prejudice.

12) The Respondent hereby waives any and all rights of appeal pursuant to this matter or any action of the Commission in accordance with this Consent Order.

BASED ON THE STIPULATIONS OF THE PARTIES, IT IS THIS 8th day of November, 2010, BY THE MARYLAND REAL ESTATE COMMISSION,

ORDERED that the Respondent has violated COMAR 09.11.02.01(C);

AND IT IS FURTHER ORDERED that a Reprimand shall be placed against the Respondent's license (Registration No. 70724);

AND IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$750.00 to the Commission within 30 days from the date of this Consent Order;

AND IT IS FURTHER ORDERED that the Respondent shall complete a 3 hour course of instruction on Ethics in accordance with the terms of this Consent Order;

AND IT IS FURTHER ORDERED that this matter shall be resolved in accordance with the terms of this Consent Order and that the same shall be reflected among the records of the Maryland Real Estate Commission;

AND IT IS FURTHER ORDERED that this Consent Order shall constitute a Final Order of the Maryland Real Estate Commission.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER

Susan Memmert, Respondent

November 4, 2010

Date



(COMMISSIONER'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

BY: _____

11/8/2010

Date